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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,074	10/16/2000	Scott C. Harris	CREDIT SYSTEM/CH	2021
23844	7590	11/02/2004	EXAMINER	
SCOTT C HARRIS			NGUYEN, KIMBERLY D	
P O BOX 927649				
SAN DIEGO, CA 92192			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/690,074	HARRIS, SCOTT C.
	Examiner Kimberly D. Nguyen	Art Unit 2876

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 September 2004.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 27-34,38 and 40-46 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 27-34,38 and 40-46 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Amendment***

1. Acknowledgement is made of Amendment filed 28 September 2004.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27, 29-33, 38, 40, 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda (US 5,590,038) in view of Nathans (US 4,972,476).

Re claims 27, 38, 40, 44-45: Pitroda teaches an electronic credit card (i.e., universal electronic transaction card or “UET” card), comprising:

a credit card housing having a front surface showing a credit card number (1XXX YYY2 in fig. 14), and having electronic circuitry coupled to the housing, associated with a credit card account based on the credit card number (figs. 3-4; col. 4, lines 35-60; col. 11, lines 12-28);

a communication device (33 in fig. 3), also coupled with the housing, and coupled with the electronic circuitry in the housing, communicating information to and from the electronic circuitry using a short range RF protocol (figs. 3-4; col. 11, lines 12-28; col. 9, lines 54-67);

wherein the electronic circuitry includes a memory (RAM/ROM/non-volatile-RAM in fig. 3) storing an individual characteristic representative of an authorized user of the credit card (403, 404, 405, 406 in fig. 4; col. 11, lines 40-57);

further comprising a display (30 in fig. 3) which displays the individual characteristic, wherein the individual characteristic is a user's picture (406 in fig. 4 including photographs of the user, fingerprints or other forms of identification; see col. 11, lines 54-56) (fig. 4; col. 11, lines 39-58; col. 3, lines 34-61; col. 4, lines 35-60).

Although, Pitroda teaches the individual characteristic is a user's picture/fingerprints, which is stored in the memory (col. 11, lines 54-56), and the display (30), which displays the user's **signature** when a transaction is requested (fig. 9; col. 3, lines 62-65; col. 13, lines 22-37).

Pitroda fails to teach or fairly suggest wherein the user's **picture** is displayed on the display.

Nathans teaches an ID card having the card bearer's picture thereon to restrict access of the card bearer for authenticating purposes (see abstract; col. 2, line 5+; and col. 2, lines 35+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to manipulate the display that which displays the user's signature as taught by Pitroda to displaying the user's picture in order to positively identify the user through the picture. Accordingly, such modification would have been an obvious expedient from Pitroda's teachings.

Re claims 29-33, 42-43: Pitroda teaches the credit card further comprising an internal source of power for the electronic circuitry and communication device (57 in fig. 5; col. 12, lines 25-34) (col. 3, lines 55-61; col. 4, lines 21-34; col. 9, lines 31-45).

4. Claims 28, 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda as modified by Nathans as applied to claim 27 above, and further in view of Makipaa et

al. (US 6,394,341; hereinafter “Makipaa”). The teachings of Pitroda as modified by Nathans have been discussed above.

Although, Pitroda teaches that his electronic credit card includes a RF communication device, Pitroda as modified by Nathans fails to specifically teach or fairly suggest that the RF communication includes Bluetooth protocol.

Makipaa et al teaches an electronic smart card including the Bluetooth protocol (see col. 3, lines 4-51).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further integrate the Bluetooth protocol as taught by Makipaa to the teachings of Pitroda as modified by Nathans due to the fact that the Bluetooth protocol uses radio transmissions to transfer both the voice and data in a real-time with various provisions to minimize communications interference and to preserve the datastream security. Accordingly, such modification of employing the Bluetooth protocol would have been an obvious extension as taught by Pitroda et al for secure data transmission with less interference effects between the electronic credit card and the reader per se. Furthermore, such modification would prevent an unauthorized operator from intercepting the data during the transaction(s).

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda as modified by Nathans as applied to claim 27 above, and further in view of Teicher et al. (US 6,257,486; hereinafter “Teicher”). The teachings of Pitroda as modified by Nathans have been discussed above.

Pitroda teaches the front surface of the credit card having the credit card number (fig. 14). Pitroda fails to specifically teach the credit card number is raised letters.

Teicher teaches an electronic credit card, wherein the front surface includes raised lettering indicating the credit card number (col. 1, line 67 through col. 2, line 5; and col. 2, line 55 through col. 3, line 5).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the well-known raised/embossed lettering in the surface of the credit card as taught by Teicher to the teachings of Pitroda as modified by Nathans in order to provide a smart card with manner similar to that of ordinary charge cards (col. 2, line 1).

***Response to Arguments***

6. Applicant's arguments filed 28 September 2004 have been fully considered but they are not persuasive.
7. In response to Applicant's argument that "A signature is a very different kind of biometric than a picture. It is not at all obvious to change a signature to a picture." (see page 2, 4<sup>th</sup> paragraph); the Examiner respectfully submits that "Pitroda discloses the display (30), which displays the user's signature when a transaction is requested (fig. 9; col. 3, lines 62-65; col. 13, lines 22-37)", which is obvious to a person in the art to use the display for displaying the user's picture, instead of the user's signature as taught by Pitroda. Therefore, given its broadest reasonable interpretation, Pitroda, Nathans, and Teicher, still meets the claimed invention.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

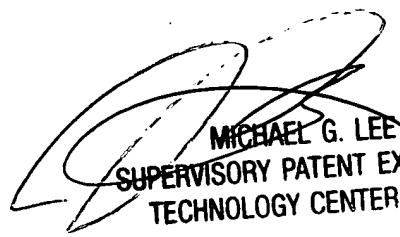
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KDN  
27 October 2004

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
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